THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

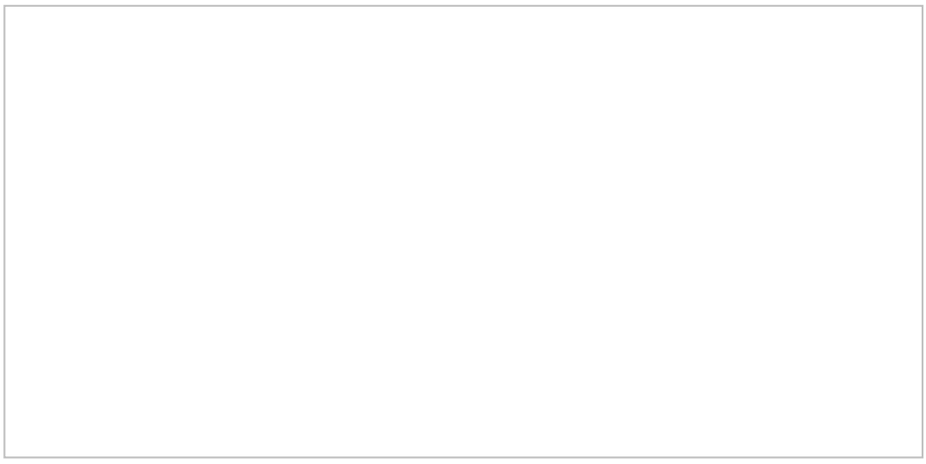
Writ Petition No.17974 of 2002

ORDER:

1 As the learned counsel for the petitioner seeks permission to withdraw the petition the writ petition is dismissed as withdrawn, with costs.

2 Yesterday while going through the record of the case during the course of arguments, I found that the petitioner obtained interim order on the basis of a copy of the resolution No.195 dated 11.3.1999 said to have been passed by the first respondent-Gram Panchayat, which is in English. As that copy is not even certified as a 'true translation' and as gram panchayats pass resolution in Telugu, and as the copy of the resolution of the gram panchayat in Telugu is not filed along with the petition, I wanted the learned counsel for the petitioner to produce a copy of the resolution of the panchayat. He produced a copy of the said resolution. It

reads



Translated copy filed along with petition reads:

> "RESOLUTION NO.195: Gram Panchayat agreed to give permission to P.Lakshmamma to construct shop from JRY Grant for the year 1999-00. The same was allotted to Smt. Lakshmamma W/o Venkatappa Naidu on condition that she has to pay Rs.200/- as rent and Rs.10,000/- advance.
>
> Sd/- Sarpanch
> //Translated Copy//"

Probably on the basis of the translated copy of the resolution produced

along with the writ petition, the learned Judge who admitted the writ petition must have granted the interim order directing the respondent to continue the petitioner in the premises on payment of Rs.400/- p.m towards rent. In the counter filed by the respondent it is alleged that there were offers to pay more than Rs.1,000/- p.m towards rent. Thus by virtue of the interim order passed on the basis of an untrue translated copy petitioner obtained an advantage of Rs.600/- per month as rent. Thus petitioner prima facie not only played fraud on the Court but also obtained an unfair advantage by obtaining the interim order, which prima facie amounts to contempt of Court.

3 Therefore, issue show cause notice to the petitioner as to why proceedings for contempt cannot be initiated against her for misleading the court by producing untrue translated copy into Court without filing a copy of the original resolution.

4 I wonder how the scrutiny section passed the writ petition when a translated copy which is not even certified as a 'true translation' is filed without production of the copy of the original resolution. Whenever translated copies are produced copies of originals also have to be filed. The Scrutiny section should also insist on a translated copy filed being certified as a 'true translation' and the person certifying must be made to clearly mention his name and designation and his address so that it would be easy for the court to identify the person who made the translation.

5 Post on 27.12.2007 for appearance of the petitioner.

C.Y.Somayajulu, J.

23.11.2007

kvsn